## Before the FEDERAL COMMUNICATIONS COMMISSION Washington, DC 20554

In the Matter of	)	
	)	
Lifeline and Link Up Reform and Modernization	)	WC Docket No.11-42

## COMMENTS OF SPRINT CORPORATION

Sprint Corporation ("Sprint"), pursuant to the Public Notice released on February 16, 2017 (DA 17-174), hereby respectfully submits its comments in support of TracFone's request for clarification of the Lifeline minimum service standards for broadband internet access service ("BIAS"). Sprint urges the Commission to clarify that, under rules and policies adopted in the *Lifeline Modernization Order*, Wi-Fi service does not satisfy the mobile BIAS minimum data allotment requirement, and that the device provided by the service provider to its Lifeline subscriber must be 3G-capable and configured in order for that subscriber to be classified as a broadband customer. The Commission should also clarify that the 12-month broadband port freeze must be removed from the accounts of end users who were incorrectly classified as broadband customers.

As Sprint has explained in previous *ex parte* letters in the above-captioned proceeding,<sup>2</sup> Wi-Fi of any sort does not satisfy the basic goal of providing BIAS in locations, such as a Lifeline customer's home, that otherwise lack broadband access.

<sup>&</sup>lt;sup>1</sup> Lifeline and Link Up Reform and Modernization et al., 31 FCC Rcd 3962 (2016). This Order codified minimum mobile BIAS performance standards in Section 54.408(b)(2) of the Rules.

<sup>&</sup>lt;sup>2</sup> See letters from Norina Moy, Sprint, to Marlene Dortch, FCC, dated January 19, 2017 and February 15, 2017.

Therefore, Wi-Fi access cannot count towards the mobile broadband data allotments specified in Section 54.408(b)(2) of the Rules. Any other finding not only makes no sense, but also would obviate the data allotment increases specified in this rule. If Wi-Fi access is allowed to count towards the minimum BIAS data allotment, there would be no need to mandate increases over time – a service provider that makes a Wi-Fi-enabled device available to its Lifeline broadband customers would be able to satisfy the future data allotment requirements immediately via Wi-Fi.<sup>3</sup>

The Commission should also clarify that if a Lifeline ETC provides a device that is not 3G-capable (including devices that are potentially but not actually 3G-capable), it is not providing broadband service. For example, a Lifeline customer who does not install a new Sim card to upgrade his handset to handle 3G or better technology is not, in fact, receiving broadband service as specified in the *Lifeline Modernization Order*. 500MB of broadband data is of very little use to a subscriber who has a device that is not 3G-capable.

The requested clarifications will not preclude or discourage innovation in the provision of Lifeline broadband service. Service providers remain free to offer Lifeline packages that include service elements that may exceed minimum requirements, such as packages that include a "premium" service or the choice of a range of devices. What these service providers may not do, however, is subject their Lifeline subscribers to the 12-month broadband port freeze, unless such customers are receiving the full benefits of

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<sup>&</sup>lt;sup>3</sup> The *Lifeline Modernization Order* requires that "...Lifeline providers who make devices available with or without charge for use with a Lifeline-supported fixed or mobile broadband service must ensure that all such devices are Wi-Fi enabled" (para. 374).

broadband service that meets all of the minimum service requirements mandated by the Commission.

Any Lifeline service provider that has incorrectly classified an end user as a broadband customer in contravention to the rules and policies set forth in the *Lifeline Modernization Order* should be required to notify affected subscribers of the error, and must remove the 12-month port freeze from affected accounts. Failure to implement either of these remedial actions unfairly prevents the Lifeline customer from obtaining the broadband service to which he is entitled, and for which universal service support has been paid, and locks that customer into a year-long period during which he can neither access the benefits of broadband nor change his service provider.

Respectfully submitted,

**SPRINT CORPORATION** 

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